

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
October 19, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., October 19, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

Supervisor Mary Rose Wilcox, District 5, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Molly Buchanan, District 5, led the assemblage in the Pledge of Allegiance.

**VETERAN'S APPRECIATION DAY PROCLAMATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to proclaim November 11th of each year as Veteran's Appreciation Day at Maricopa County Parks. (C3006010000) (ADM654)

**PROCLAMATION  
Board of Supervisors, County of Maricopa, State of Arizona**

**PROCLAIMS** November 11, Military Service Appreciation Day in Maricopa County Parks.

**WHEREAS**, the Maricopa County Parks will honor all active and non-active United States military personnel, and

**WHEREAS**, the Maricopa County Parks now features the nation's largest county park system, and

**WHEREAS**, the Maricopa County Parks with 10 regional parks total more than 120,000 acres, and

**WHEREAS**, more than 3 million park visitors enjoy affordable recreation each year, and

**WHEREAS**, military persons of Maricopa County should be encouraged to visit one of the Maricopa County Parks,

**NOW, THEREFORE, BE IT RESOLVED** that the Maricopa County Board of Supervisors do hereby proclaim each Veteran's Day from this day forward, "Military Service Appreciation Day in Maricopa County Parks," and encourage military personnel to present themselves at the park entrance to gain free entry to the parks.

**DATED** this 19<sup>th</sup> day of October 2005.

/s/ Max W. Wilson, District 4, Chairman of the Board  
/s/ Fulton Brock, District 1  
/s/ Don Stapley, District 2  
/s/ Andrew Kunasek, District 3

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/s/ Mary Rose Wilcox, District 5

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Wilson called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Stapley, to recommend approval of the following liquor license applications a, b, and c:

- a. Application filed by Renata L. Miron for a Special Event Liquor License: (F23164) (SELL700)

Business Name: Fountain of Life Lutheran Church  
Location: 15630 N. Del Webb Boulevard, Sun City, 85351  
Date/Time: October 30, 2005; 4:00 pm to 7:30 pm

- b. Application filed by Leonard Sowinski for a Special Event Liquor License: (F23164)

Business Name: Our Lady of Lourdes Parish Men's Club  
Location: 14818 W. Deer Valley Drive, Sun City West, 85375  
Date/Time: November 1, 2005; 5:00 pm to 10:00 pm (SELL701)  
November 19, 2005; 5:00 pm to 10:00 pm (SELL702)  
December 6, 2005; 5:00 pm to 10:00 pm (SELL703)

- c. Application filed by Samuel Turrentine Crump, Sr. for a Special Event Liquor License: (F23164) (SELL704)

Business Name: Rotary Club of Anthem  
Location: 41703 N. Gavilan Peak Parkway, Anthem 85086  
Date/Time: October 29, 2005; 3:00 pm to 10:00 pm

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Wilson called for a public hearing on an additional liquor license applications. After review, the Environmental Services Department issued a report recommending denial of this application. No speakers came forth at the Chairman's call, therefore, motion was made by Supervisor Stapley and seconded by Supervisor Kunasek, to recommend denial of the following liquor license application, in concurrence with the Health Department's report of non-compliance to minimum sanitary standards:

- d. Application filed by Marzena Mozol for an Original Series 12 Liquor License (12076399): (MCLL6158)

Business Name: Golden Polish Restaurant  
Location: 15462 N. 99<sup>th</sup> Avenue, Sun City, 85351

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Does not meet the requirements of the Environmental Services Department.

Motion carried unanimously (5-0) with Supervisors Stapley, Kunasek, Wilson, Brock and Wilcox voting "aye" to recommend the application for Golden Polish Restaurant be denied.

**PUBLIC HEARING – ORGANIZATION OF THE COLDWATER RANCH STREET LIGHTING IMPROVEMENT DISTRICT**

Chairman Wilson called for a public hearing on the organization of the Coldwater Ranch Street Lighting Improvement District. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this organization. The District is located in the vicinity of El Mirage Road and Jomax Road. The motion also appoints the Superintendent of Streets as District Engineer. The district's purpose is establishing street lighting facilities and purchasing electric service for the lighting of public streets and parks within the area. A petition representing 100% of the property owners in the Coldwater Ranch subdivision has been presented requesting the formation of a street lighting improvement district. (C6406050000) (ADM4302)

**ORDER ESTABLISHING  
COLDWATER RANCH STREET LIGHT IMPROVEMENT DISTRICT**

A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, praying for the establishment of Coldwater Ranch Street Light Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been presented to the Board of Supervisors on the 19<sup>th</sup> day of October, 2005, at the hour of 9:00 a.m., at the usual meeting place of said Board of Supervisors at 301 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, said Board of Supervisors finds that said petition is signed by the requisite number of owners of real property and further finds that the public convenience, necessity and welfare will be promoted by the establishment of said district, and hereby, by this formal order declares the findings aforesaid, and establishes the boundaries as follows:

**LEGAL DESCRIPTION FOR COLDWATER RANCH**

That part of Section 1, Township 4 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Stone marking the Northwest Corner of said Section 1, from which the Stone marking the North Quarter Corner of said Section 1 bears South 89°32'21" East, a distance of 2,644.27 feet;

Thence South 89°32'21" East, along the North line of the Northwest Quarter of said Section 1, a distance of 825.01 feet to the True Point of Beginning;

Thence continuing South 89°32'21" East, along the North line of the Northwest Quarter of said Section 1, a distance of 1,819.26 feet to the Stone marking the North Quarter Corner

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of said Section 1;

Thence South 00°18'02" West, along the East line of the Northwest Quarter of said Section 1, a distance of 2,368.03 feet to the Center of said Section 1;

Thence continuing South 00°18'02" West, along the East line of the Southwest Quarter of said Section 1, a distance of 463.77 feet;

Thence departing said East line North 89°41'58" West, a distance of 309.11 feet to a point on the Easterly line of the Electric Transmission Line Easement recorded in Instrument No.90-465188 and Instrument No.90-465190, Maricopa County Records;

Thence South 13°51'27" West, along said Easterly line, a distance of 877.16 feet to a point on the South line of the North Half of the Southwest Quarter of said Section 1;

Thence North 89°24'48" West, along said South line, a distance of 1,462.44 feet to the Southwest Corner of the East Half of the Northwest Quarter of the Southwest Quarter of said Section 1;

Thence North 00°10'24" East, along the West line of the East Half of the Northwest Quarter of the Southwest Quarter of said Section 1, a distance of 1,319.46 feet to the Northwest Corner thereof;

Thence North 89°24'08" West, along the North line of the Southwest Quarter of said Section 1, a distance of 660.04 feet to the 1/2 inch Iron Bar marking the West Quarter Corner of said Section 1;

Thence North 00°11'59" East, along the West line of the Northwest Quarter of said Section 1, a distance of 1,466.74 feet to a point that bears South 00°11'59" West, a distance of 895.00 feet from the Northwest Corner of said Section 1;

Thence South 89°48'01" East, departing said West line, a distance of 825.00 feet to a point on a line which is parallel with and 825.00 feet Easterly, as measured at right angles, from the West line of the Northwest Quarter of said Section 1;

Thence North 00°11'59" East, along said parallel line, a distance of 891.24 feet to the True Point of Beginning.

Containing 178.375 Acres, more or less.

And further declares that said district is now established under the name of Coldwater Ranch Street Light Improvement District, by which name it shall be known in all proceedings hereafter.

Upon motion made by Supervisor Wilcox, seconded by Supervisor Stapley and unanimously carried (5-0), the foregoing order is declared adopted this 19<sup>th</sup> day of October 2005.

/s/ Max. W. Wilson, Chairman of the Board

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ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**PUBLIC HEARING - STREET NAME CHANGE**

Chairman Wilson called for a public hearing on this matter and no protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) approve the street name change from North 230<sup>th</sup> Street to Blue Coyote Trail in Goldfield Ranch Phase 1, Lots 4, 6 and 7 (MCR188-24, 1979 Survey) Township 3 North, Range 7 East, Section 13 between North Goldfield Road and Beeline Highway (State Highway 87) The request is made by Janet & David Heeken on behalf of the citizens living along the alignment. (C4406003000) (ADM2018)

**TRANSFER OF EXPENDITURE AUTHORITY FOR BOARDS/COMMISSIONS AND SPECIAL DISTRICTS**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a transfer of expenditure authority from General Government (470) General Fund (100) General Government Contingency (4711) to Clerk of the Board (060) General Fund (100) in the amount of \$43,363. This action will fund one full-time employee (FTE) and associated supplies. This action requires an expenditure appropriation adjustment decreasing the FY 2005-06 General Government (470) General Fund contingency (4711) expenditure budget by \$43,363 and increasing the FY 2005-06 Clerk of the Board (060) General Fund (100) expenditure budget by \$43,363. This action allows the department to handle their mandated duties for Boards and Commissions and Special Districts in a proactive manner. This adjustment will result in a net impact of zero to the county budget. (C0606025800) (ADM700-003)

**AFFILIATION AGREEMENT WITH ASU FOR CRIMINAL JUSTICE SYSTEM LEARNING EXPERIENCE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a non-financial affiliation agreement with Arizona Board of Regents, for and on behalf of Arizona State University, to allow students to participate in a learning experience at the Maricopa County Attorney's Office. The term of the agreement is from Board of Supervisors' approval for three years with renewal on a year-to-year basis. Either party may terminate this agreement at any time. (C1906017200)

**SETTLEMENT AGREEMENT WITH NEXTEL FOR CELL TOWER PROPERTIES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a settlement agreement with Nextel regarding taxation of Cell Tower Properties and related personal property (e.g., computers) that settles Superior Court Case Nos. TX2003-000017, TX2003-000678, and TX2004-000999, as discussed in Executive Session on October 17, 2005. (C1906019000) (ADM413)

**IGA WITH FLOOD CONTROL DISTRICT FOR USE OF THE SHERIFF'S SHOOTING RANGE -  
CONTINUE**

Item: Approve an intergovernmental agreement (IGA) with the Flood Control District of Maricopa County that provides for the continued use of the Sheriff's current shooting range located on Flood Control District-owned land behind McMicken Dam. The IGA allows the county continued use of the site through

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June 30, 2007, at no cost., and provides for market-based rent in the event the county remains at the site for an additional 24 months beyond that date. The county retains responsibility for environmental remediation and cleanup of the site beyond the expiration date of any lease term (C69060372) (C5006016200) The legal department will review the document and make conforming changes as necessary.

The Clerk of the Board reported the above changes, requested by the Chairman, to this item.

After a brief discussion, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item to the November 2, 2005, meeting to allow additional time for study. (Clerk's Note: This item was not heard on November 2, but was heard at the November 16, 2005, meeting. This note is not part of the Minutes.)

**SALE OF SUNSET BOATS TO THE TONTO NATIONAL FOREST SERVICE**

Pursuant to A.R.S. §11-251(9)(58), motion was made by Supervisor Stapley and seconded by Supervisor Wilcox to approve the sale of two 1993 Sunset Boats (LP56 and LP58), to the Tonto National Forest Service in the consideration of \$1.00 each. Motion carried (5-0) on a unanimous roll call vote with Supervisors Brock, Stapley, Kunasek, Wilson and Wilcox voting "aye." (C5006018M00) (ADM119)

**ANNUAL WAIVER FOR DONATIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an annual waiver for the Sheriff's Office to report all food donations and non-cash donations that do not exceed \$1,000 in value, in accordance with Maricopa County Policy A2508, C.3. (C5006019M00) (ADM1810-001)

**RETAIN VEHICLES FOR MALL PATROL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve authorization for Equipment Services to retain 25 serviceable vehicles scheduled to be relined out of the Sheriff's Office Fleet and allow them to remain as part of a temporary addition to the Sheriff's Office Fleet to be used from November 23, 2005 through January 3, 2006. This item will allow the Sheriff's Office to assemble a temporary fleet of enforcement vehicles to be used for patrolling malls within Maricopa County during the holiday season, after which the vehicles will be returned to their former status and removed from service and the Sheriff's Office fleet. Fuel costs are estimated to be \$6,000 and will come from Sheriff's Office budgeted funds. (C5006020M00) (ADM3104)

**GRIC FUNDS FOR ARIZONA MASONIC FOUNDATION FOR CHILDREN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Maricopa County Manager's Office, via a Partnership Resolution between Maricopa County and the Arizona Masonic Foundation for Children (AMFC), to apply for Gila River Indian Community (GRIC) Proposition 202 Indian Gaming Funds in the amount of \$12,000 in FY 2005-06; \$32,000 in FY 2006-07; and \$32,000 in FY 2007-08. Authorize the Chairman of the Maricopa County Board of Supervisors to sign the grant application; approve the grant funds if awarded; approve the resolutions; and authorize the County Manager's Office to pass-through the funds to the AMFC, a non-profit organization. This action will require an appropriation adjustment to General Government Grant Fund (249), increasing the FY 2005-06 revenue and expenditure budgets by \$12,000; FY 2006-07 by not-

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to-exceed \$32,000; and FY 2007-08 by not-to-exceed \$32,000. Maricopa County will act as the pass-through agency for AMFC and will pass-through the entire amount of the grant over the three fiscal years. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The grant award period is from the date of award to December 31, 2005. (C2006008000)

**MARICOPA COUNTY  
RESOLUTION**

**A RESOLUTION OF THE CHAIRMAN AND BOARD OF SUPERVISORS OF  
MARICOPA COUNTY, MARICOPA COUNTY, ARIZONA AUTHORIZING THE  
SUBMITTAL OF A GRANT REQUEST LETTER FOR FUNDING FOR ARIZONA  
MASONIC FOUNDATION FOR CHILDREN TO THE GILA RIVER INDIAN  
COMMUNITY, AUTHORIZING ACCEPTANCE OF FUNDS GRANTED AND  
AUTHORIZING THE EXECUTION OF SAID APPLICATION.**

**BE IT RESOLVED** by the Chairman and Board Of Supervisors of Maricopa County, Maricopa, Arizona as follows:

- Section 1.** The Maricopa County Manager's Office is authorized to submit a Grant Request letter(s) to the Gila River Indian Community for Proposition 202 Indian Gaming Funds in the amount \$12,000 in FY 2005-06, \$32,000 in FY 2006-07 and \$32,000 in FY 2007-08.
- Section 2.** The Maricopa County Manager's Office is hereby authorized to accept grant funds from the Gila River Indian Community and to pass-through these funds to Arizona Masonic Foundation for Children.
- Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant letter(s)/application(s), and necessary acceptance documentation.

**PASSED AND ADOPTED** this 19<sup>th</sup> day of October 2005, by Maricopa County Board of Supervisors, Maricopa County, Arizona.

/s/ Max W. Wilson, Chairman of the Board

ATTEST

/s/ Fran McCarroll, Clerk of the Board

**APPLY TO SRPMIC FOR MARICOPA COUNTY COMMUNITY COLLEGES ACE PROGRAM**

Item: Authorize the Maricopa County Manager's Office, via a Partnership Resolution, to apply to the Salt River Pima-Maricopa Indian Community (SRPMIC) for Proposition 202 Indian Gaming Funds in the amount of ~~\$240,435~~ \$193,672 in FY 2005-06. Authorize the Chairman of the Maricopa County Board of Supervisors to sign the grant application; approve the grant funds if awarded; and authorize the pass-through of these funds to Maricopa County Community Colleges ACE Program, a non-profit organization. This action will require an appropriation adjustment increasing the General Government Grant Fund (249) FY 2005-06 revenue and expenditure budgets by ~~\$240,435~~ \$193,872. Maricopa County will act as the pass-through agency for the Maricopa County Community Colleges and will pass-through the entire amount of the grant. Grant revenues are not local revenues for the purpose of the constitutional

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expenditure limitation, therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The grant award period is from the date of award to June 30, 2006. (C2006009300)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the above actions and the following resolution. (The above changes were reported by the Clerk prior to the vote.)

**RESOLUTION**

**A RESOLUTION OF THE CHAIRMAN AND BOARD OF SUPERVISORS OF MARICOPA COUNTY, MARICOPA COUNTY, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT REQUEST LETTER FOR FUNDING FOR MARICOPA COUNTY COMMUNITY COLLEGES ACE PROGRAM TO THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY, AUTHORIZING ACCEPTANCE OF FUNDS GRANTED AND AUTHORIZING THE EXECUTION OF SAID APPLICATION.**

**BE IT RESOLVED** by the Chairman and Board Of Supervisors of Maricopa County, Maricopa, Arizona as follows:

- Section 1.** The Maricopa County Manager's Office is hereby authorized to submit a Grant Request letter(s) to the Salt River Pima-Maricopa Indian Community for Proposition 202 Indian Gaming Funds in the amount of \$193,672 in FY 2005-06. (C2006010300)
- Section 2.** The Maricopa County Manager's Office is hereby authorized to accept grant funds from the Salt River Pima-Maricopa Indian Community and to pass-through these funds to Maricopa County Community Colleges ACE Program, a non-profit organization.
- Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant letter(s)/application(s), and necessary acceptance documentation.

**PASSED AND ADOPTED** this 19<sup>th</sup> day of October 2005, by Maricopa County Board of Supervisors, Maricopa County, Arizona.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**IGA WITH SRPMIC FOR HUMAN SERVICES CAMPUS CAPITAL CAMPAIGN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement (IGA) between Maricopa County and the Salt River Pima-Maricopa Indian Community (SRPMIC), whereby the SRPMIC is contributing \$80,435 to the Human Services Campus Capital Campaign. The funding will be paid in one installment of ~~\$80,435~~ \$63,673 in FY 2005-06. (The funding amount change was reported by the Clerk prior to the vote.) (C2006010300)



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**APPLY TO GILA RIVER INDIAN COMMUNITY FOR CASA PROGRAM**

Item: Approve the Maricopa County Superior Court CASA Program to apply via a partnership resolution to the Gila River Indian Community for Proposition 202 Indian Gaming Funds in the amount of \$50,000 in FY 2005-06. Authorize the Chairman of the Maricopa County Board of Supervisors to sign the grant application and approve the grant funds if awarded. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S §42-17105. This action will require an appropriation adjustment, increasing the Trial Courts Department (800) Fund (238) in FY 2005-06 revenue and expenditure budgets by \$50,000.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the following resolution. (The underlined addition, above, was reported by the Clerk prior to the vote.) (C2006011300)

**RESOLUTION**

**A RESOLUTION OF THE CHAIRMAN AND BOARD OF SUPERVISORS OF MARICOPA COUNTY, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE SUBMITTAL OF A GRANT REQUEST FOR FUNDING FOR THE MARICOPA COUNTY CASA PROGRAM, MARICOPA COUNTY SUPERIOR COURT, TO THE GILA RIVER INDIAN COMMUNITY, AUTHORIZING THE ACCEPTANCE OF FUNDS GRANTED AND AUTHORIZING THE EXECUTION OF SAID APPLICATION.**

**BE IT RESOLVED** BY the Chairman and Board of Supervisors of Maricopa County, Maricopa County, Arizona, as follows

**Section 1.** The Maricopa County CASA Program is hereby authorized to submit a Grant Request letter to the Gila River Indian Community for Proposition 202 Gaming Funds in the amount of \$50,000 in FY 2005-06.

**Section 2.** The Maricopa County CASA Program is hereby authorized to accept grant funds from the Gila River Indian Community.

**Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant request letter/application and necessary acceptance documentation.

**PASSED AND ADOPTED** this 19<sup>th</sup> day of October, 2005, by Maricopa County Board of Supervisors, Maricopa County, Arizona.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**TRANSFER FUNDS FOR eCIVIS GRANTS LOCATOR SERVICE**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to direct the Office of Management and Budget to transfer \$48,700 from Appropriated Fund Balance (480) General Fund (100) Contingencies (4811) "Reserved

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Contingency-Technology Projects" to a new line item in Appropriated Fund Balance (480), General Fund (100) Technology Projects (4814), entitled "eCivis – Grants Locator". Approval of this action will allow for funding for a one-time payment for site access to the eCivis Grants Locator service on a one-year pilot program basis. The eCivis Grants Locator service will assist in location and management of grant applications. (C2006013000) (ADM1825-001)

**SOLE SOURCE VENDOR FOR INDIGENT REPRESENTATION INFORMATION SYSTEM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve eCorridor as a sole source vendor to provide ongoing system maintenance and application development on the Public Defender's "Indigent Representation Information System". (C5206002100)

**AMENDMENT WITH DATATEK, INC FOR MMCS RUN-OUT OPERATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 1 to the sole source contract for information technology consulting services with Datatek, Inc. for the purpose of providing services in connection with the claims processing, the encounter/reinsurance submission process, and with other information technology needs of the Maricopa Managed Care Systems (MMCS) for the run-out operations. This amendment is effective upon Board of Supervisors' approval to extend the contract through September 30, 2006, making the term of the contract August 18, 2004 through September, 2006, and to add \$1,100,000, making the new not-to-exceed amount \$3,200,000. The contract duration, through September 30, 2006, is for the run-out operation that will be conducted by the county for the period October 1, 2005 through September 30, 2006. This is estimated to cost \$1,100,000. MMCS may terminate the agreement, for convenience, upon 30 days notice and may at any time discontinue the use of services. The budget for the MMCS run-out operation was approved by the Board of Supervisors on September 21, 2005 (C6006010800). Funding for this request is included in this budget. (C6005061101)

**PERSONNEL AGENDAS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Two changes were reported by the Clerk prior to the vote: the addition of five names to the Lump Sum Retention Payment Program and the addendum item adding Chief Deputy Assessor Fred Kelly's Executive Compensation Package. Exhibits A and B, as amended, will be found at the end of this set of Minutes.

**TRANSFER FUNDS FOR ASSESSMENT OF MARKETING & CORPORATE SPONSORSHIPS**

Pursuant to A.R.S. 42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the Office of Management and Budget to transfer \$92,000 from Appropriated Fund Balance (480), Contingencies (4811) "General Contingency" to Appropriated Fund Balance (480), Infrastructure/CIP (4813), creating a new line item "Marketing & Corporate Sponsorships". This funding will be used for an independent assessment of county marketing and corporation sponsorship opportunities between Maricopa County and private entities. (C4906010800) (ADM1825-003)

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**TRANSFER EXPENDITURE APPROPRIATION FOR INFORMATION TECHNOLOGY JOB AND SALARY STUDY**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the transfer of \$300,000 in expenditure appropriation from Appropriated Fund Balance (480) General Fund (Fund 100) Technology Projects (4811) to a new line in Appropriated Fund Balance (480) General Fund (Fund 100) Consultants (4824) entitled "IT Job and Salary Study." This funding will be used to acquire professional consultant services to assist the Office of Management and Budget in completing a county-wide job and salary study of information technology (IT) positions. (C4906011000) (ADM2700-003)

**REALLOCATION OF UNSPENT HOME FUNDS AND AMEND ACTION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following:

- reallocation of unspent HOME funds in the amount of \$337,113 for a new project, Avondale Hillcrest Village Land Acquisition & Development, (Project No. UC0515), with Habitat for Humanity of the West Valley.
- Amend the actions regarding the HOME Program as approved on May 4, 2005, under C17060182ZZ.
- Authorize the execution of a HOME Agreement with Habitat for Humanity of the West Valley for this project. (C1706037100)

**WAIVE PARK ENTRY FEES FOR CURRENT/RETIRED MILITARY PERSONNEL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the waiver of park entry fees on November 11th of this year and all subsequent years for all current/retired military personnel as well as those veterans who have previously served our country during times of war or adversity. (C3006010000) (ADM3210)

**AGREEMENT WITH LONG TECHNICAL COLLEGE FOR ANIMAL DIAGNOSTIC AND MEDICAL ATTENTION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an agreement between Long Technical College and Maricopa County in which Animal Care & Control (MCACC) will send animals for diagnostic and medical attention, on an as-needed basis, for specific educational modules being taught by Long Technical College, such as dental procedures, spay and neuter, and grooming. Veterinary care will be done in accordance with veterinary standards of practice set by the American Veterinary Medical Association. Animals will receive vaccinations, disease evaluations and medical treatment not provided by MCACC. The term of the agreement is for one year, effective upon Board of Supervisors' approval. (C7906020000)

**DONATIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the acceptance of the following donations to Animal Care and Control. Donation revenue funds are deposited into Fund (573) as they are received. (ADM2300)

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- a. Bonnie's Bakery, 30845 N. Cave Creek Road #115, Cave Creek, AZ 85331, in the amount of \$389. (C7906021700)
- b. PETCO Foundation, 1210 Morena Boulevard, San Diego, CA 82110, donation of 100 Canine Education Scholarship Certificates, valued at \$8,995. Certificates will be given to new adopters for canine education classes, a 6-week course. (C7906022700) (ADM2300)

**RENEW KENNEL PERMITS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of October 19, 2005 through October 18, 2006. The cost of each kennel permit is \$90. (C7906023C00) (ADM2304)

- a. Lynn and Larry Jech, d.b.a. Keepsake Kennels, 11446 W. Hidalgo, Tolleson, AZ 85353, Permit #356. (Supervisory District 5)
- b. Rochelle Shreeve, d.b.a. Mokc's Kennels, 11225 N. 49th Drive, Glendale, AZ 85304, Permit #296. (Supervisory District 4)
- c. Barbara Manaois, d.b.a. Barb's Dog House, 6020 W. Acoma Road, Glendale, AZ 85306, Permit #322. (Supervisory District 4)
- d. Terry Jamtgaard, d.b.a. The Dog House, 2103 W. Belmont, Phoenix, AZ 85021, Permit #078. (Supervisory District 3)

**FUND TRANSFERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award of Solicitation Serials**

- 05100-C      Bus, Transit Type, Prisoner Transportation** (\$322,000 estimate/one year). Pricing agreement to purchase one or more transit type prisoner bus for use by the Sheriff's Office.
  - o Canyon State Bus Sales, Inc.

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- 05119-C      Qualifying Bid, Pickups, Full-Size Vans, SUV'S, Suburban-Type Vehicles - 19,500# and Under** (\$15,000,000 estimate/three years with three one-year renewal options). Qualifying bid for purchase, via Request for Quotation (RFQ), of pickups, full-size vans, sport utility vehicles and suburban-type vehicles (19,500# & under) for use by various county departments.
- o      Mel Clayton Ford
  - o      Don Sanderson Ford-Fleet
- 05127-C      Qualifying Bid, Medium/Heavy Duty Trucks - 19,600# & Up** (\$2,900,000 estimate/three years with three one-year renewal options). Qualifying bid for purchase, via Request for Quotation (RFQ), of medium/heavy duty trucks (19,600# and up) for use by various county departments.
- o      Freightliner Sterling Western
  - o      Don Sanderson Ford-Fleet

**Increase in the price agreement amount for the following contract.** This request is due to an increased usage by county departments.

- 01016-S      Overhead Garage Door Repair and Replacement** (\$100,000 Increase). Increase price agreement value from \$400,000 to \$500,000. This \$100,000 increase is requested by the Facilities Management Department to continue performing maintenance and repair services throughout the remainder of the contract. This agreement was initially approved by the Board of Supervisors on May 2, 2001, and subsequently renewed by the Materials Management Director on March 3, 2004. The Board approved an increase of \$200,000 on July 6, 2005. The price agreement expiration date is May 31, 2006.

**Trade-In of Equipment**

Trade-in of A.B. Dick Platemaker Model DPM2000 CPS (#21120020), Serial #23868, County Asset Tag #F84273, in conjunction with the purchase of a replacement unit. This platemaker has exhausted its useful life and is unable to be reasonably repaired. This unit was utilized in the Reprographics Division of Materials Management and will be dismantled and hauled away by A.B. Dick at no cost to the county, as a condition of the purchase of the new unit. (ADM3005)

**SETTLEMENT OF VINYARD V. MARICOPA COUNTY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of the Vinyard v. Maricopa County lawsuit, CV2004-014420, as discussed in Executive Session on October 17, 2005. (C7506009100) (ADM409)

**APPROPRIATION ADJUSTMENT FOR CAVE CREEK COMPLEX FIRE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an appropriation adjustment in the amount of \$8,091.59 for both revenues and expenditures to the Emergency Management Department (150) Emergency Management Fund (215) budget. Emergency Management received \$8,091.59 in reimbursement cost associated with activation of the County Emergency Operation Center during the Cave Creek Complex Fire. The Intergovernmental Agreement entered into on July 20, 2002 (C15030022a), pursuant to A.R.S. §11-952, is to provide mutual emergency

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assistance and cooperation between the Arizona State Land Department and Maricopa County. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Pursuant to Arizona Constitution Article 9, §20(3)(d)(vi), "amounts received from the state which are included within the appropriation limitation prescribed in Section 17 of this article" are not local revenues, and thus, not subject to the county's expenditure limitation. (C1506003300) (ADM900-003)

**TRANSFER EXPENDITURE AUTHORITY FOR TECHNOLOGY EQUIPMENT**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a transfer of expenditure authority between the General Government Grants Fund (Dept 470, Fund 249) and the Emergency Management Fund (Dept 150, Fund 215), decreasing the FY 2005-06 General Government Grants Fund (Dept 470, Fund 249) by \$208,911 and increasing the FY 2005-06 Emergency Management Fund (Dept 150, Fund 215) by \$208,911. These adjustments will result in a county-wide net financial impact of zero and will allow Emergency Management to pay for a one-time purchase of new and replacement technology equipment for the Emergency Operations Center. (C1506005800) (ADM900-003)

**RESOLUTION REGARDING THE AZDEM DESIGNATION OF APPLICANT'S AGENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt a resolution regarding the Arizona Division of Emergency Management (AZDEM) Designation of Applicant's Agent to the Director of Maricopa County Equipment Services. This resolution will allow the Designated Applicant's Agent to execute and file with the appropriate authorities any applications necessary for Maricopa County Equipment Services to receive financial assistance under the Disaster Relief Act or from the disaster relief fund, as is otherwise available. This form is solely for in-state involvement with Operation Good Neighbor (PCA 26003). Reimbursement requests are anticipated for overtime and other potential expenses that might be incurred while performing vehicle and equipment maintenance and repair services, for other county departments who have provided assistance, to those who have relocated to Arizona in the wake of Hurricane Katrina. (C7406002800) (ADM904-001) (ADM3100)

**RESOLUTION TRANSFER FOR THE STORM EDUCATION PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Resolution ENV 2005R001 that transfers the fiscal agent responsibility for the STORM (STormwater Outreach for Regional Municipalities) Education Program to Maricopa County effective September 1, 2005, and revokes Resolution FCD 2003R002 (C6903072800), Authorization for Flood Control District of Maricopa County to act as fiscal agent for STORM Education Program, effective October 1, 2005, or upon completion of the STORM Education Program fund transfer, whichever occurs first. Approve an increase in the Environmental Services Department's transfer-in by \$29,657. Flood Control District will increase their transfer-out by the same amount (C69051346). (C8806003200) (ADM2365)

**RESOLUTION ENV 2005R001  
Transfer of the Fiscal Agent Responsibility for the STORM Education Program  
From the Flood Control District of Maricopa County  
To Maricopa County**

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**WHEREAS**, the Flood Control District of Maricopa County (District) was established in accordance with the provisions of Arizona Revised Statutes Section 48-3603, which requires the Board of Directors of the Flood Control District of Maricopa County (Board) to do all things which may be necessary to construct, operate and maintain flood control works and storm drainage facilities for the benefit of the District; and,

**WHEREAS**, the District, acting as agent for Maricopa County applied on March 10, 2003 for Phase II storm water quality permit coverage for storm drainage structures within Maricopa County as required by the Federal Clean Water Act; and,

**WHEREAS**, the Phase II storm water permit program requires permittees to implement public education and public involvement programs, and the District has participated in organizing a regional organization called STORM (STormwater Outreach for Regional Municipalities) that will provide and promote stormwater education within the greater Maricopa County metropolitan area; and,

**WHEREAS**, participating municipalities will cost share the program cost according to population figures, minimizing their financial burden and facilitating individual permit compliance efforts, and membership fees, and any available grant or other funds will be used to establish regional media campaigns/public education programs specific to stormwater including radio ads, newsprint ads, billboards, and television; and,

**WHEREAS**, the Board approved Resolution FCD 2003R002 on May 7, 2003 (C-69-03-072-8-00), Authorization for the District to Act as Fiscal Agent for STORM Education Program; and,

**WHEREAS**, the management of the STORM program and related stormwater quality permit responsibility was transferred to the Maricopa Department of Environmental Services on July 1, 2004.

**NOW THEREFORE, BE IT RESOLVED** that effective September 1, 2005, fiscal agent authority for the STORM Education Program is transferred from the District to Maricopa County Department of Environmental Services; and,

**BE IT FURTHER RESOLVED** that the Maricopa County Board of Supervisors accepts fiscal agent and full authority for the STORM Education Program; and,

**BE IT FURTHER RESOLVED** that the District is directed to transfer to Maricopa County, effective September 1, 2005, any remaining funds; and,

**BE IT FURTHER RESOLVED** that the District hereby revokes Resolution FCD 2003R002 effective, October 1, 2005 or the date of transfer of the STORM funds to the County, whichever occurs first.

**DATED** this 19<sup>th</sup> day of October 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**DESIGNATION OF APPLICANT AGENT FOR OPERATION GOOD NEIGHBOR**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the designation of Mr. John Power, Environmental Services Director, as the Applicant Agent

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for Operation Good Neighbor. This designation will allow the department to request 100% reimbursement from the State of Arizona Division of Emergency Management for costs incurred while providing services for Operation Good Neighbor (Hurricane Katrina response). (C8806005900) (ADM904-001) (ADM2350)

**NAMING OF THE CO-LOCATED JUSTICE COURT FACILITY IN SURPRISE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve naming the new co-located Justice Court facility in Surprise the "Maricopa County Northwest Regional Court Center". The facility is currently under construction and scheduled for completion in October 2005. (C7006005M00) (ADM1203)

**FACILITIES MANAGEMENT QUARTERLY EMPLOYEE RECOGNITION REWARD PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve in accordance with Section X of the Maricopa County Compensation Plan, the continuation of the Facilities Management Quarterly Employee Recognition Reward Program as an employee recognition program for FY 2005-06, to allow for the purchase of American Express gift cards (02059-RFP) in denominations of 25 points for a maximum award of 50 points per employee per event. These gifts cards have no cash value. The cost of the program is anticipated at \$3,200 and will be absorbed in the current expenditure budget of Department 70/Facilities Management, Fund (100). The program will cover the period from July, 1, 2005 through June 30, 2006. (C7006006800) (ADM800) (ADM3308-001)

**DONATION OF USED FURNITURE TO THE HUMAN SERVICES CAMPUS**

Pursuant to A.R.S. §11-254.04, having determined that the Human Services Campus project constitutes an economic development activity that will assist in the creation or retention of jobs or will otherwise improve or enhance the economic welfare of the inhabitants of Maricopa County, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a donation by Maricopa County of assorted used furniture to the Human Services Campus LLC, a (501)(c)(3) charitable organization, responsible for governance of the campus. The furniture, valued at approximately \$7,500, will be used throughout the campus buildings housing Central Arizona Shelter Services, Saint Vincent de Paul, St. Joseph the Worker and the Day Resource Center. (C7006006M00) (ADM119)

**TERMINATE LEASE WITH CITY OF PHOENIX FOR OFFICE SPACE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve termination of Lease No. L7373 with the City of Phoenix, an Arizona municipal corporation, lessor, for 41,966 square feet of office space at 411 N. Central Avenue, Suites 300, 740 and 770. The tenant has been holding over at this location in anticipation of the completion of the new facility at 501 N. 44th Street, Phoenix, AZ. The lease provides a termination option with no penalty, by giving written advance notice. The termination will be effective on or about October 15, 2005. This approval will formally exercise the termination option (C44050170YY). (C4406005000)

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action.



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- A339.009            Project No: TE188 - RH Johnson Boulevard at Stardust Boulevard - Agreement for Right of Entry - Parcel No.: 232-17-954 - Donald D. Maurek and Donna C. Maurek - for the sum of \$500.00.
- A339.023            Project No: TE193 - 99th Avenue at Palmeras Drive - Agreement for Right of Entry -  
(JPM)               Parcel No.: 230-07-592 - Dunnick J. Schlichter - for the sum of \$500.00.
- A339.038            Project No: TE171 - Meeker Boulevard at Aleppo Drive - Warranty Deed - Parcel No.:  
(JPM)               232-15-253 - Billy Ray Hughey, Trustee - for the sum of \$1,840.00.
- A339.038            Project No: TE171 - Meeker Boulevard at Aleppo Drive - Purchase Agreement and  
(JPM)               Escrow Instructions - Parcel No.: 232-15-253 - Billy Ray Hughey, Trustee.
- A339.039            Project No: TE171 - Meeker Boulevard at Aleppo Drive - Warranty Deed - Parcel No.:  
(JPM)               232-12-059 - Elvera Carlson Walden - for the sum of \$1,125.00.
- A339.039            Project No: TE171 - Meeker Boulevard at Aleppo Drive - Purchase Agreement and  
(JPM)               Escrow Instructions - Parcel No.: 232-12-059 - Elvera Carlson Walden - Purchase Agreement and Escrow Instructions.
- MI-1N7E-           Project No: TT011 - 88th Street (North of Apache Boulevard) -Warranty Deed - Parcel  
21.001 (DWM)       No.: 218-38-010A and 010B - Cubed Devinshire "4" LP - for the sum of \$39,975.00.
- MI-1N7E-           Project No: TT011 - 88th Street (North of Apache Boulevard) -Purchase Agreement  
21.001               and Escrow Instructions - Parcel No.: 218-38-010A and 010B - Cubed Devinshire "4"  
(DWM)               LP.
- n/a                   Project No: TT123-Brown Road (94th Street to Crismon Road) - Letter Agreement for  
(GL)                  a Temporary Ingress and Egress - Parcel No.: 220-20-002C - Elmer Bell - for the sum of \$200.00.

**AMENDMENT NO. 3 TO IGA WITH CITY OF TOLLESON FOR THREE ADDITIONAL TRAFFIC SIGNALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the third Intergovernmental Agreement (IGA) amendment between the Maricopa County Department of Transportation and the City of Tolleson to add three additional traffic signals to the existing IGA for operation and maintenance by the county for the city. The original IGA was signed and executed on December 6, 1995 (C64960062), and the first amendment was approved on April 17, 2002 (C6402217200), with the second amendment approved on March 17, 2004 (C6402217201). (C6402217202)

**IGA WITH TOWN OF WICKENBURG FOR IMPROVEMENTS TO OCOTILLA DRIVE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between Maricopa County and the Town of Wickenburg for improvements to Ocotilla Drive from Mandrad Drive to Palo Verde Drive. The town will act as the lead agency, when the annexation process of Ocotilla Drive is complete, with the county acting as a financial partner only. The county will contribute 50% of the project costs for design, construction,

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construction management, etc., but will not exceed a total contribution of \$500,000. The town will provide the county with a copy of the design contract and construction contract prior to invoicing the county for their share. Funds are budgeted in the FY 2008-09 capital budget in Department (640), Fund (234), Project Number T100, Ocotilla Road EOM - Palo Verde, to provide funding for this agreement. Approval of this agenda item is contingent upon the Board adopting the FY 2008-09 recommended budget. (C6406051200)

**RE-PLAT THE MAP OF DEDICATION FOR GAVILAN PEAK PARKWAY**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the re-plat of the Map of Dedication for 'Gavilan Peak Parkway' as recorded in Book 658, Page 43, Instrument No. 03-1538404, recorded November 5, 2003, Maricopa County Records. At the request of the developer, the purpose of this re-plat is to vacate excess right-of-way along Gavilan Peak Parkway in order to gain sufficient area for residential lots. (C6406052000) (ADM2007-001)

**IGA WITH VALLEY METRO RAIL INC. FOR REPLACEMENT OF APACHE BLVD BRIDGE**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between Maricopa County and the Valley Metro Rail Inc. for the replacement of the Apache Boulevard Bridge. Valley Metro Rail will act as the lead agency, with the county contributing \$500,000, as their total financial contribution to this project. Funds have been budgeted in the amount of \$500,000 in FY 2006-07 (Year 2) five-year plan for Department (640), Fund (234), Project No. T189, Apache Boulevard Bridge/Tempe Canal. In the event the IGA requirements are completed and funds are available, authority for early payment is requested. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2006-07 budget. (C6406053200)

**CONTRACT WITH OLSSON ASSOCIATES FOR ENGINEERING DESIGN SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to award On-Call Contract No. 2005-73 with Olsson Associates for pending and new projects requiring engineering design services. The contract is effective for a period of two years with an option to renew for three additional one-year periods following the Board of Supervisors' approval or until the expenditure of \$500,000, whichever occurs first. (C6406054500)

**IGA WITH CITY OF AVONDALE FOR IMPROVEMENTS TO AVONDALE BOULEVARD**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between Maricopa County and the City of Avondale for improvements to Avondale Boulevard from Interstate 10 to McDowell Road. The city will act as the lead agency with the county contributing \$1,000,000 to the project. Request FY 2005-06 budget transfer of \$850,000 from Department (640), Fund (234), Project No. T180, Cotton Lane at Gila River, to Project No. T198, Avondale Blvd. from I-10 to McDowell Road, to fund the road improvements. (C6406055200)

**LICENSE TO WILTEL COMMUNICATIONS, LLC FOR COMMUNICATION SYSTEM**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve/execute license to Wiltel Communications, LLC, to construct, install, operate, maintain, and upgrade a fiber optics communication system within the county. The licensee has requested permission

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to use certain streets and public ways for the placement of a fiber optics communication system under, in, along, over and across certain streets and public ways in the county. (C6406056000) (ADM2004)

**IGA WITH ADOT FOR INSTALLATION OF UPDATED EQUIPMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) with the Arizona Department of Transportation (ADOT) for federal funding for the installation of updated equipment (cantilever arms and LED flashers) at the railroad crossing located at Bell Road and Grand Avenue, at a cost of \$67,914. (C6406057200) (ADM2005)

**DEEDS FOR SALE OF PROPERTY TO CITY OF PHOENIX FOR PARK AND RIDE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) on a roll call vote with Supervisors Brock, Stapley, Kunasek, Wilcox and Wilson voting "aye" to sign deeds for the property, approximately 2.4268 acres, which had been acquired as part of the 27th Avenue realignment at Baseline Road. This property has been declared excess land and was slated to go to public auction. The property is now being sold to the City of Phoenix for use as a Park and Ride location. The fair market appraisal, and subsequently the price the City of Phoenix will be paying, is \$450,000. By signing the deeds, the property can close escrow and the sale can be consummated. (C6406058B00)

**ON-CALL CONTRACTS FOR ENGINEERING DESIGN SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to award the following on-call contracts for pending and new projects requiring engineering design services. The contracts are effective for a period of two years with an option to renew for an additional three one-year periods following the Board of Supervisors' approval or until the expenditure of \$500,000, whichever occurs first.

- a. Entellus, Inc., On-Call Contract #2005-71 (C6406059500)
- b. Wood, Patel & Associates, Inc., On-Call Contract #2005-74 (C6406060500)

**TRAFFIC CONTROL CHANGES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following traffic control changes:

- a. Hunt Highway from Higley Road to Sossaman Road – Approve a change in traffic controls to a 40 mph speed limit zone (from a 50 mph speed limit zone) on unincorporated right-of-way. This rescinds the 50 MPH speed limit zone dated April 10, 1989. (C6406061000) (F23166)
- b. Empire Boulevard from Sossaman Road to Ellsworth Road – Approve a change in traffic controls to a 40 mph speed limit zone (from a 50 mph speed limit zone) on unincorporated right-of-way. This rescinds the 50 mph speed limit zone dated April 10, 1989. (C6406061000) (F23166)
- c. Mesquite Street and Mountain Road – Approve a change in traffic controls to a four-way stop (from a two-way east/west stop) on unincorporated right-of-way. This partially

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rescinds the Through Street Resolution on Mountain Road dated November 20, 1991. (C6406062000) (F23166)

- d. Mountain Road from Elliot Road to 1.10 miles north of Williams Field Road – Approve a change in traffic controls to a 45 mph speed limit zone (from a 55 mph speed limit zone) on unincorporated right-of-way. This rescinds the 55 mph speed limit zone dated January 14, 1974. (C6406062000) (F23166)
- e. San Tan Boulevard and Higley Road – Approve a change in traffic controls to a four-way stop (from a two-way east/west stop) on unincorporated right-of-way. This partially rescinds the Through Street Resolution on Higley Road dated May 19, 1964. (C6406063000) (F23166)
- f. Higley Road from Riggs Road to San Tan Boulevard – Approve a change in traffic controls to a 40 mph speed limit zone (from a 50 mph speed limit zone) on unincorporated right-of-way. This partially rescinds the 50 mph speed limit zone dated October 16, 1972. (C6406063000) (F23166)
- g. San Tan Boulevard from Higley Road to 172nd Street – Approve a change in traffic controls to a 40 mph speed limit zone (from a 50 mph speed limit zone) on unincorporated right-of-way. This rescinds the 50 mph speed limit zone dated May 5, 1973. (C6406063000) (F23166)
- h. San Tan Boulevard from 172nd Street to 700 feet west of Recker Road – Approve a change in traffic controls to a 45 mph speed limit zone (from a 50 mph speed limit zone) on unincorporated right-of-way. This rescinds the 50 mph speed limit zone dated May 5, 1973. (C6406063000) (F23166)
- i. Glendale Avenue and Citrus Road – Approve a change in traffic controls to a four-way stop (from a two-way north/south stop) on unincorporated right-of-way. This partially rescinds the Through Street Resolution on Glendale Avenue dated June 1, 1987. (C6406064000) (F23166)
- j. 27th Avenue from Vineyard Road to Southern Avenue – Approve a change in traffic controls to a 40 mph speed limit zone (from a 45 mph speed limit zone) on unincorporated right-of-way. This partially rescinds the 45 mph speed limit zone dated March 31, 1986. (C6406066000) (F23166)

**NEW TRAFFIC CONTROLS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following new traffic controls:

- a. Elliot Road from Ellsworth Road to Mountain Road – Approve a 50 mph speed limit zone on unincorporated right-of-way. (C6406062000) (F23166)
- b. Wigwam Creek Boulevard 10 feet south of Denton Street – Approve a designation of a school crossing on unincorporated right-of-way. (C6406065000) (F23166)

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- c. 27th Avenue 10 feet north of Saint Anne Avenue– Approve a designation of a school crossing on unincorporated right-of-way for Bernard Black Elementary School. (C6406066000) (F23166)

**ADDITION OF EXPENDITURE BUDGETS AND AMENDMENT TO CIP FUND**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition of the following project and corresponding expenditure budgets to the Department of Transportation's FY 2005-06 TIP (CIP) budget (Year 1), Department (640), Fund (234):

<b>Project Number</b>	<b>Name</b>	<b>Budgeted Amount</b>
T219	Mingus at 25th Avenue	\$400,000

This vote also approves an amendment to the current FY 2006-10 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2005, by decreasing the FY 2005-06 (Year 1) capital budget for the following projects:

<b>Project Number</b>	<b>Name</b>	<b>Capital Budget</b>
T002	Project Reserves Account (MCDOT # 69998)	\$300,000
T006	Unallocated Force Account	\$100,000

These decreases will offset the increases requested above for a county-wide impact of \$0. (C6406066800) (ADM2000-003)

**EXPENDITURE BUDGET AND AMENDMENT TO CIP FUND**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve opening for charges on the following project and establishing the corresponding expenditure budget in the Department of Transportation's FY 2005-06 TIP (CIP) budget (Year 1), Department (640) Fund (234):

<b>Project Number</b>	<b>Name</b>	<b>Budget Amount</b>
T192	Rio Verde Drive; Forest to 136 <sup>th</sup>	\$200,000

This vote also approves an amendment to the current FY 2006-10 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2005, by decreasing the FY 2005-06 (Year 1) capital budget for the following projects:

<b>Project Number</b>	<b>Name</b>	<b>Capital Budget</b>
T002	Project Reserves Account (MCDOT # 69998)	\$50,000
T006	Unallocated Force Account	\$150,000

These decreases will offset the increases requested above for a county-wide impact of \$0. (C6406067800)(ADM2000-003)

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**ADDITION OF EXPENDITURE BUDGETS AND AMENDMENT TO CIP FUND**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition of the following project and corresponding expenditure budget to the Department of Transportation's FY 2005-06 TIP Capital Improvement Plan (CIP) budget (Year 1), Department (640) Fund (234):

<b>Project Number</b>	<b>Name</b>	<b>Budget Amount</b>
T203	Wigwam Boulevard at Indian School	\$250,000

This vote also approves an amendment to the current FY 2006-10 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2005, by decreasing the FY 2005-06 (Year 1) capital budget for the following project:

<b>Project Number</b>	<b>Name</b>	<b>Capital Budget</b>
T002	Project Reserves Account (MCDOT # 69998)	\$250,000

This decrease will offset the increase requested above for a county-wide impact of zero. This also approves the use of Job Order Contracts for construction of the project in lieu of the previously approved solicitation for bids. (C6406068800) (ADM2000-003)

**APPOINTMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following appointments:

- a. **Planning and Zoning Commission** – Re-appoint Mr. Mark Pugmire whose term will be effective through December 17, 2009. (ADM3415-001)
- b. **Correction** – Correct the appointment on October 5, 2005, of Mr. Jason Russell to the Board of Adjustments from the Board of Equalization, with a term effective October 5, 2005 through February 19, 2007. (Supervisory District 4) (ADM3412)

**SETTING OF HEARINGS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to set the following hearings. These hearings will be held at 9:00 am at 301 W. Jefferson, 10<sup>th</sup> Floor, Phoenix, unless otherwise noted:

- a. **Adult Oriented and Adult Service Providers Ordinance P-10 Amendment** – Schedule a public hearing for Wednesday, November 16, 2005, to solicit comments and approve the proposed amendment, including an emergency clause for the amendment to become effective immediately upon approval. (C4406006000) (ADM141)
- b. **Planning and Zoning** – No hearings have been scheduled on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for November 16, 2005.

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**ASRS CLAIMS**

No claims were presented for approval at this time. (ADM3309-001)

**CANVASS OF ELECTIONS**

No canvasses of elections were presenter for approval at this time.

**CLASSIFICATION CHANGES**

No classification changes were submitted for approval at this time. (ADM723)

**COMBINED CHARITABLE CAMPAIGN**

No contributions for the 2006 Combined Charitable Campaign were submitted for approval at this time. (ADM3311-002)

**DONATIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the donation reports received from county departments for September, 2006 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1810)

**DUPLICATE WARRANTS**

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve issuing duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Carlos Mendoza	250046866	Payroll	\$2,258.31
Donna Gibson	360513411	Expense	\$125.00
Sunn West City's Towing	360505872	Expense	\$104.00
SOS Extermination	360505703	Expense	\$354.00
Jennifer Schwartz	350532042	Expense	\$45.97
Sandra Zehr	260014714	Payroll	\$4,376.76
Lorrie Adams	260015488	Payroll	\$1,677.03

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Opera-Tunity Showcase Concert	Alhambra SD	460024727	\$1,350.00
Mark Dora	Osborn SD #8	160022051	\$764.91
Timothy Rock	Roosevelt SD #66	160020976	\$1,139.63
Cesar Herrera	Alhambra SD	160017968	\$116.84

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A to Z Steam Cleaning	Avondale ESD	460009901	\$3,274.00
Cidy Eldard	Isaac SD	160019578	\$622.24
National School Boards Association	Agua Fria Union High SD	460007907	\$1,675.00
Elizabeth Brown	Laveen SD #59	160027386	\$884.77
Unisource	Phoenix Elem SD #1	460015768	\$943.55

**MINUTES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held April 19, 2005.

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated October 19, 2005, as submitted by the Elections Director. (ADM1701)

**SECURED TAX ROLL CORRECTIONS**

No requests were received from the Assessor for corrections of the Secured Tax Rolls at this time. (ADM705)

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the settlement of tax cases dated October 19, 2005. (ADM704)

**2004**

CV 04-006420

TX 04-000079

**2004/2005**

TX 04-000892

**2005**

ST 04-000160

TX 04-000782

**STALE DATED WARRANTS**

Pursuant to A.R.S. §11-644, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to find the following claims are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

<b>NAME</b>	<b>AMOUNT</b>
Land America Transnation Title	\$577.69
Land America Transnation Title	\$14.82
Land America Transnation Title	\$391.16
Land America Transnation Title	\$131.16
Land America Transnation Title	\$16.20



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**TAX ABATEMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office. (ADM708)

<b>Parcel #</b>	<b>Year</b>	<b>Proposed Abatement</b>	<b>Parcel #</b>	<b>Year</b>	<b>Proposed Abatement</b>
501-56-091C	2004	\$782.88	304-54-036	2004	\$196.86
501-56-091B	2004	\$2,903.64	304-54-036	2005	\$205.52
500-17-031	2000	\$1,369.16	136-22-029J	1994	\$88.69
908-93-980	1970	\$218.37	136-22-029J	1995	\$61.97
964-10-481	2000	\$34.08	136-22-029J	1996	\$57.14
500-16-161	1991	\$177.76	136-22-029J	1997	\$53.91
500-16-161	1992	\$140.63	136-22-029J	1998	\$49.80
500-16-161	1993	\$95.39	136-22-029J	1999	\$326.39
500-16-161	1994	\$111.84	136-22-029J	2000	\$377.92
500-16-161	1995	\$193.86	136-22-029J	2001	\$379.85
500-16-161	1996	\$146.67	136-22-029J	2002	\$379.26
500-16-161	1997	\$134.68	136-22-029J	2003	\$332.96
500-16-161	1998	\$132.38	136-22-029J	2004	\$263.60
500-16-161	1999	\$123.90	211-53-027H	2001	\$278.16
500-16-161	2000	\$141.74	211-53-027H	2002	\$272.26
500-16-161	2001	\$91.28	211-53-027H	2003	\$229.06
500-16-161	2002	\$86.30	211-53-027H	2004	\$201.59
500-16-161	2003	\$82.98	400-41-002B	1985	\$4,352.56
500-16-161	2004	\$80.48	400-41-002B	1986	\$4,827.22
304-54-036	1995	\$191.17	140-67-001C	1994	\$1,953.08
304-54-036	1996	\$369.46	140-67-001C	1995	\$1,952.58
304-54-036	1997	\$371.94	140-67-001C	1996	\$2,173.22
304-54-036	1998	\$228.61	140-67-001C	1997	\$53.59
304-54-036	1999	\$205.48	140-67-001C	1998	\$46.25
304-54-036	2000	\$205.08	140-67-001C	1999	\$310.55
304-54-036	2001	\$9.70	140-67-001C	2000	\$978.59
304-54-036	2002	\$99.30	140-67-001C	2001	\$1,319.33
304-54-036	2003	\$118.32			

**APPLY FOR GRANT FROM ST. LUKE'S HEALTH INITIATIVES FOR DENTAL HEALTHCARE PROVIDER TRAINING**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a grant application to St. Luke's Health Initiatives for training to dental healthcare providers on recognition and reporting of child abuse, due October 20, 2005. The term of the contract, if awarded, will be from approximately December 1, 2005 to November 30, 2006, with funding, if awarded, of approximately \$29,500. The Public Health Department's indirect rate for FY 2005-06 is 16.67%. Indirect costs are not allowed by the grant source. Estimated unrecoverable indirect costs on this award are \$4,917. By approving this agenda item, the Board will be authorizing the Department Director (or

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designee) to sign all continuation applications and associated documents. If any funds are awarded, the Department of Public Health will return to the Board for approval and acceptance of these funds and any subsequent amendments. (Addendum item A-1)(C8606029300)

**CORRECT ACTION REGARDING AMENDMENT WITH SHCD**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to correct the action taken on September 21, 2005, item #44, regarding an amendment (incorrectly) identified as the Health Plan Transfer Intergovernmental Agreement between Maricopa County and the Maricopa County Special Health Care District (SHCD) to correctly reflect that the document being amended is "Amendment #1 to the Assistance Package IGA between Maricopa County and the Maricopa County Special Health Care District." Other descriptive information provided in the original Agenda Information Form (C1806015201) remains unchanged. (Addendum item A-2) (C1806011201)

**APPOINTMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following appointments: (Addendum item A-3)

**Citizen's Advisory Audit Committee:**

- a. Re-appoint Mr. Ralph Lamoreaux, whose term will be effective through May 27, 2007. (ADM2602)
- b. Appoint Mr. Ryan Brownsberger, whose term will be effective from Board of Supervisors' approval through May 31, 2007. (ADM2602)

**CALL TO THE PUBLIC**

Blue Crowley, citizen, addressed his concerns on the way new public transit endeavors are being addressed and overseen by the several political bodies involved. He cited a 413% increase in Valley Metro Rail Administration costs to \$26 million, and contrasted this with the bus stop improvements, (he quoted as "standard") for only \$150,000. He said, "We're going to spend \$62 million over the next two years on all of the light rail stops within the first (20-mile) segment of the system. At the same time, ¾ of the bus stops are being ignored. At a recent CTOC meeting he asked, "When will bus stops be brought up to standards" and was told, "It won't happen." He questioned the light rail not going as far north as MetroCenter Mall as originally mapped but changed to only go as far as "Governor Mofford's house". He also chided State government officials for driving their single-occupancy cars for short distances to meetings instead of taking the free "Dash" or carpooling, intimating that if they want cooperation from the public they need to set a good example. (ADM605)

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Wilcox called attention to the new chairs and carpeting in the Supervisors' Conference Room and thanked Janice Bowie from Facilities Managemt for applying her expertise in coordinating the room so well. (ADM606)

Ms. Wilcox also thanked Nancy Santos, commending her for her creative work on displays developed to alert County employees to the importance of Domestic Violence Awareness Month.

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Supervisor Kunasek introduced the County's new Executive Director of Public Health, Jackie Meeks, hired as a result of the national search conducted by Human Resources. He welcomed her to the County.

Supervisor Brock said that the Midnight Muttness and Meow event held at the East Valley Animal Care and Control's shelter had been a huge success and had placed 179 dogs and cats in new homes. He added that 100% of the animals on the mobile vehicles were placed, and thanked all who made the event such a success.

Supervisor Stapley commented on the many people who had responded to his wife's recent surgery with prayers, cards and inquiries about her health. He said her surgery had been traumatic but she is now doing very well and he thanked all who communicated their best wishes to him and his family in many various ways.

**PLANNING AND ZONING AGENDA**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

1.     **S2005-017     District 4**  
      **Applicant:**   DEI Professional Services on behalf of Pulte Homes  
      **Location:**   North of Deer Valley Road and west of the proposed El Mirage Road align. (in the Sun City West area)  
      **Request:**     Final Plat in the R1-6 RUPD zoning district for Corte Bella Country Club, Unit Q (approx. 31.20 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this final plat.

2.     **S2004-081     District 3**  
      **Applicant:**   Stanley Consultants, Inc. on behalf of Anthem Arizona, LLC  
      **Location:**   East and west of Gavilan Peak Parkway, north of Daisy Mountain Drive (in the Anthem area)  
      **Request:**     Final Plat in the Rural-43 and R1-6 RUPD zoning districts for Anthem Southside Mixed Use Unit 4 (approx. 23.00 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this final plat.

**REGULAR AGENDA DETAIL:**

3.     **DMP2005-011   District 3**  
      **Applicant:**   Commission initiative

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- Location:** Anthem DMP is generally located on the east side of I-17 at the Anthem Way interchange. However, this amendment focuses on areas along Meridian Dr. in the southern portion of Anthem.
- Request:** Commission initiated amendment to the Anthem DMP (DMP 94-6 – DMP2004-006, as amended) to add a stipulation that allows for a limited access connection between Desert Hills Drive and Meridian Drive for emergency vehicles, Maricopa County Department of Transportation vehicles, and Deer Valley Unified School District buses.

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of DMP2005-011, subject to the following stipulations “a” through “d”. Commissioner Porter seconded the motion, which passed with a unanimous vote of 7-0.

For the record, Chairman Aster noted that he will be voting in favor of the recommendation, but that he personally believes that it should be a temporary measure until the traffic situation changes much more to the positive in the subject area.

- a. The cost for new or replacement transmitters to open the electronic gate shall be the responsibility of the authorized user that requests the new or replacement transmitter.
- b. The cost for maintenance and replacement of the access gate equipment shall be proportionately shared between the end users and be based on frequency of use by the authorized users. A written agreement between the authorized users regarding proportionate cost sharing shall be completed within six months of Board of Supervisors approval of this stipulation.
- c. All other stipulations governing the Anthem DMP, as approved by the Maricopa County Board of Supervisors, shall remain in effect.
- d. A limited access easement shall be provided between Desert Hills Drive and Meridian Drive for emergency vehicles, Maricopa County Department of Transportation vehicles and Deer Valley Unified School District buses.

Darren Gerard reported on past action for this case and said that New River is in support of the amendment to this master plan. He added that there is opposition and a petition signed by many who have transportation concerns. He said that a significant number of people living in Anthem would like to see full, rather than limited, access on this roadway. He reported that District 3 and MCDOT conducted a survey of property owners who live along Desert Hills Drive between 7<sup>th</sup> Street and 27<sup>th</sup> Drive and are those most affected by this access point. The results from 150 respondents showed 73% supported restricted access; 20% want full public access and 7% wanted no change in access.

Supervisor Wilcox asked how limited access would be monitored.

Mr. Gerard replied that an electronic gate is now in place and Daisy Mountain Fire District and MCDOT have access cards for that gate. If this amendment passes Deer Valley School District would receive the same access device.

Chairman Wilson called for members of the public who registered to speak on this item to come forward. Those registered are as follows: Tony DeHerrera was in opposition; Wendee Pratt, Kent Davis, Deer

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Valley School District, David Freedman, The Roadway Coalition and Judy Hill were in favor of the access. Garry Hays, Columbia Comm., JoAnn Trudeau, Kevin Connolly and D.D. Barker did not mark their preference.

Tony DeHerrera said his opposition stems from the old axiom, “Give them an inch and they’ll take a mile’ and pretty soon we’re going to have a full access (roadway).” He felt access should be limited to “official” access only (MCDOT and the Fire District). He said that if access eventually becomes unlimited a lot of money would have to be spent to reconstruct roads in Desert Hills to handle the traffic.

Gary Hayes, Snell and Wilmer for Columbia Communities, said their support is for stipulations “a” through “d” only and they do not support opening access up to the public in even a limited way.

JoAnn Trudeau was the first speaker in favor of limited access and her arguments were echoed by the other citizens (listed above). All argued in favor of access to transport their children to other charter and private schools that are not in the school district via a safe route. They want, “all school children to be treated the same and to have the same access.” All spoke of the dangerous situation at the Carefree Highway and I-17 interchange, which they are now forced to take and which all feel is a danger and hazard to drivers. They all said there is a need for this interchange to have traffic lights or a cloverleaf installed to regulate traffic flow. Several fatal accidents have already occurred at that interchange. They stressed that all children should be able to get to school safely, not only those who ride the school bus.

David Friedman distributed some revised stipulations he hoped the Board would accept or substitute for those from staff. He said the residents would fund a computer chip on the gate that would record who used it and the time-frame when it was used so there would be firm control. He would like to get their revised stipulations approved by the Board today.

Kent Davis, Deer Valley School District, said there are three advantages to the District’s having access: 1, academic – it takes students less time to get to school. 2, safety – school buses are the safest means of transportation for school children. 3. economic, reduced mileage and reduced gas consumption. The School District endorses the amendment.

Supervisor Kunasek said he had called ADOT (Arizona Department of Transportation) to ask about installation of lights at that interchange, and this is supposed to begin on December 1<sup>st</sup>. He said that he has been working with MCDOT and ADOT for a lengthy period on this problem, believing that it would benefit all travelers on I-17 greatly and not just those living in Anthem. He said that MCDOT agrees that this is necessary but in working with ADOT and the City of Phoenix he has run into delays. He reported that morning and evening rush hours and boat traffic going to and from Lake Pleasant present a horrible situation during most days of the month and blamed the rapid Anthem build-out as well as conflicts from having three governmental jurisdictions in the area. He referenced the new stipulations presented by the Roadway Commission and said that County Counsel had not been ready to opine on them or their possible use at this time. He stated that improvements are definitely overdue at that interchange and committed himself to doing all he could to alleviate the problem temporarily until it can be permanently addressed. He asked for the Board to proceed with the proposal before them today.

Supervisor Stapley said he had been present when the developer of Anthem and residents of nearby communities held public meetings to “put the plan together.” He remembered that residents had been very concerned that certain roads not be opened up to indiscriminate public use. He said he would only support limited access at this time and asked that this matter be assigned to a study committee to report

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back to the Board as soon as possible. He explained, "We gave our word to those neighbors and many of them are opposed to open access. We have to keep our word." He asked all to be patient.

Supervisor Wilcox said she was also present during discussions on Anthem and agreed that it had been an important point to the neighborhoods south of the site that no access be allowed. She added that even people living in the southern portion of Anthem had not wanted the additional traffic to go through their neighborhoods. She asked, "Do charter schools have buses and would this stipulation allow them to use the road if they do?" She suggested that if they do have buses perhaps the County could help expedite them in getting access. She affirmed that she also will support today's amendment.

Regarding the use of private school buses, Terry Eckhardt said that this is an amendment to a DMP and any changes would have to go back to the Planning Commission for approval since they initiated the amendment only for the Deer Valley School District.

Supervisor Stapley said that the "definition of a charter school bus" could leave the question hanging in many instances and suggested that charter and private schools may wish to investigate negotiating a contract with the Deer Valley School District for transportation of their students.

Chairman Wilson reminded all that the matter before the Board is specific in nature and he would not favor changes at this time because they could not be reviewed by all responsible parties.

Discussion ensued on Supervisor Stapley's suggestion of contracted transportation between the school district and other schools.

Motion was made by Supervisor Kunasek to approve this item with the caveat that work be continued on solving the overall transportation issues in this region. Motion was seconded by Supervisor Stapley who commented that he had never seen a worse freeway interchange than the one at Carefree Highway and I-17 anywhere in the Valley. He pledged his support at the MAG Regional Council to push this issue forward. Motion carried unanimously (5-0) to concur with the Planning Commission recommendation for approval with stipulations "a" through "d."

- 4.      Z2004-113      District 4**  
**Applicant:**      Withey, Anderson and Morris, PLC for Congregational Church of Sun City, Arizona-American Water Company, and Robert J. Tufts  
**Location:**      Southeast corner of 99<sup>th</sup> Avenue and Union Hills Drive (in the Sun City area)  
**Request:**      Rezone from C-2 and R-3 SC RUPD to C-2 CUPD (approx. 1.3 acres) – CVS Pharmacy

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2004-113, subject to the following stipulations "a" through "k". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

- a.      Development of the site shall be in substantial conformance with the zoning exhibit entitled "CVS Pharmacy," consisting of four (4) full-size sheets, revised 8/1/05 and stamped received 8/30/05, except as modified by the following stipulations. Within 30 days of approval, a site plan shall be revised to reflect the change to C-1 CUPD.
- b.      Development of the site shall be in conformance with the narrative report entitled "CVS Pharmacy", consisting of five (5) pages, dated revised 8/20/05 and stamped received

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8/30/05, except as modified by the following stipulations. Within 30 days of approval, a narrative report shall be revised to reflect the change to C-1 CUPD.

- c. The following C-1 CUPD standards shall be observed:

<b>Development Standard</b>	<b>C-1 Requirement</b>	<b>Proposed C-1 CUPD Standard</b>
<u>Setbacks</u>		
Front	20 feet	20 feet
Rear	25 feet	25 feet
Side	10 feet	10 feet
Street-Side Yard	10 feet	10 feet
Lot Coverage	60%	60%
Lot Area (minimum)	6,000 Sq. Ft.	6,000 Sq. Ft.
Lot Width	60 Feet	60 Feet
Maximum Building Height	30 Feet *	30 Feet
		North: 30 Feet
		South: 26 Feet 2 inches
		East: 30 Feet
		West: 30 Feet
Screening	6' (h) Solid Wall	8'-10" (h) solid wall around the trash compactor
Parking	1/250 sq. ft.	1/250 sq. ft.

- \* Except that the height of any building or structure closer than 30 feet to any rural or residential zone boundary shall not exceed that distance from said building or structure to the zone boundaries.

- d. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
- “Prior of issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements within the public right-of-way.”
- e. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- f. All signage shall conform with the Maricopa County Zoning Ordinance requirements for the C-1 zoning district.
- g. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- h. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

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- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- j. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Darren Gerard reported on the background for this case and said there was no known opposition.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "k."

5.     **Z2003-119     District 1**  
       **Applicant:**   Beus Gilbert, PLLC for Meleasa Malzahn of Tierra De Sueno, Inc.  
       **Location:**   Northeast corner of Val Vista Drive and Hunt Hwy. in the Gilbert/Chandler area  
       **Request:**     Special Use Permit (SUP) for an equestrian center and feed store (approx. 31 acres) - Tierra de Sueno

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of Z2003-119, subject to the following stipulations "a" through "t". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Special Use Permit for Tierra De Sueno Inc. Horse Facility and Feed Store", consisting of four (4) sheets, dated August 5, 2005, and stamped received August 24, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Tierra De Sueno 'Tierra Farms' Feed Store and Boarding Stables Special Use Permit", consisting of eleven (11) pages, dated (revised) August 22, 2005, and stamped received August 24, 2005, except as modified by the following stipulations.
- c. No development shall occur within the retention area along Val Vista Drive shown on the applicant's site plan referred in stipulation "a" above, for the life of the Special Use Permit.
- d. All trees shall be double-staked when installed.



- e. A continuous parapet shall screen all future roof-mounted equipment.
- f. All future transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All future HVAC units shall be ground-mounted.
- g. Dedication of additional right(s)-of-way to bring the total half-width dedication to 55' for Val Vista Dr. shall occur within 6 months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors. All of the site improvements shall be removed within 60 days of such termination or expiration.
- m. The applicant shall submit a written report outlining the status of the development annually from the date of approval by the Board of Supervisors every year of the anniversary date of approval. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- n. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the

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Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.

- p. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- q. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers of type acceptable to the Maricopa County Environmental Services Department (MCESD). Within 30-days of approval by the Board of Supervisors, the applicant shall submit evidence that containers have been provided for adequate storage of one (1) week's accumulation of manure. All manure shall be removed from the site at least once per week.
- r. The number of commercially boarded horses on the property shall be limited to 160 horses at any one time.
- s. Loud speakers or amplified sound is prohibited.
- t. No special events shall be held on site without approval of a Temporary Use Permit through the Planning and Development Department.

Mr. Gerard gave background information on this Special Use Permit and said the neighbors were in complete support of the project.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "t."

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Max W. Wilson, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board